

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

NICOLE P. ERAMO

Plaintiff,

v.

ROLLING STONE LLC, *et al.*

Defendants.

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Case No. 3:15-cv-00023-GEC

MOTION FOR LEAVE TO FILE SURREPLY

Plaintiff's Reply (Dkt. 110) not only raises new arguments not made in the original Motion, but also misstates the law and facts relevant to Plaintiff's motion. Stein Mitchell respectfully requests leave to file a Surreply in opposition to Plaintiff's June 10, 2016 Motion to Compel (Dkt. 88). The proposed Surreply is attached hereto as Exhibit A.

Stein Mitchell repeatedly notified Dean Eramo that any motion to compel production would be untimely. Dean Eramo's motion completely ignored this barrier to the relief sought. *See gen.* Plaintiff Brief (Dkt. 89). In opposition, Stein Mitchell raised this argument and others not addressed by Dean Eramo's Motion. *See gen.* Respondent's Opposition (Dkt. 91). In her Reply, Dean Eramo for the first time addresses the untimeliness, of both the subpoena and the motion to compel. Therefore, Stein Mitchell respectfully requests the Court grant leave to file the attached Surreply.

Dated: July 15, 2016

Respectfully submitted,

/s/ Rebecca Ruby Anzidei

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion for Leave was served on the below counsel on July 15, 2016, via ECF.

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